



King County  
**Administrative Policies and Procedures**

Executive Orders,  
Policies & Procedures

Title	Document Code No.
<b>Public Disclosure Response Protocols</b>	<del>INF 7-12-2 (AEP)</del> <b>INF 17-2-2 (AEP)</b>
Department/Issuing Agency	Effective Date
Department of Executive Services	<b>MARCH 1, 2007</b>
Approved	

- 1.0 SUBJECT TITLE: Public Disclosure Request Response Procedures.
- 2.0 PURPOSE: To establish and describe the standard Executive-branch systems and procedures for responding to public disclosure requests.
- 3.0 ORGANIZATIONS AFFECTED: All Executive departments and offices.
- 4.0 REFERENCES:
- 4.1 Washington State Public Records Act: Ch. 42.56, RCW.
- 4.2 King County Code 2.12.
- 5.0 DEFINITIONS:
- 5.1 "Exempt" means that a law allows or requires the withholding of a document, or a portion thereof, from public disclosure.
- 5.2 "Five-Day Letter" refers to King County's initial written response to a person who has made a public disclosure request. The Five-Day letter is required by statute to be postmarked no later than five business days after receipt of the original request.
- 5.3 "Fullest Assistance" means a timely and thorough action and response to a public disclosure request.
- 5.4 "King County Public Disclosure Officer" is the individual staff person responsible for: establishing public disclosure response protocols for the Executive Branch; assisting Executive Branch agencies with unusually large or difficult public disclosure requests; developing training protocols for all King County public disclosure officers; and developing other guidance resources for public disclosure officers, such as the on line Public Disclosure Manual.
- 5.5 "Public Disclosure Manual" refers to the web-based intranet application that provides general guidance on public disclosure response procedures.

5.6 "Public Disclosure Officers" (who may also be known as public records officers) are those King County staff responsible for the processing and completion of responses to public disclosure requests within individual county agencies or departments.

5.7 "Public Disclosure Tracker" refers to the web-based intranet application that catalogs all public disclosure requests and the status of their associated responses for the Executive Branch.

5.8 "Public Record," as defined in the Washington State Public Records Act, means any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by the agency.

5.9 "Public Records Index" means a compilation of information required by state and county law intended to assist the public in accessing public records. This index includes: a list of current public records series created by King County agencies and the public disclosure status of each.

5.10 "Redaction" refers to the method of protecting from public viewing a portion of a record that is statutorily exempt from public disclosure.

5.11 "Withholding Index" refers to a list of records that are statutorily exempt from public disclosure. Withholding indexes should include a description of the specific record; the date of the record; the author; the subject; to whom the record is addressed and cc'd; the number of pages; and the statutory exemption being applied.

## 6.0 POLICIES:

6.1 County offices and departments shall make all non-exempt records available for inspection and copying in accordance with the Washington State Public Records Act. To this end, county offices and departments will provide to the public the fullest assistance to ensure access to records containing information about the conduct of government at all levels, while also being mindful of individuals' privacy rights (as defined by RCW 42.56.050) and the desirability of the efficient administration of government.

6.2 The Records and Elections Division, Archives and Records Management Section, shall maintain a countywide public disclosure index and publish that index on its web site.

6.3 Within five business days of receipt of a public disclosure request, a public disclosure officer will do one or more of the following:

(A) Make the requested records available for inspection and copying; or

(B) Acknowledge receipt of the request and provide, in writing, a reasonable estimate of when the records will be available (see attached sample letter in appendix A); or

(C) If the request is unclear or does not sufficiently identify the requested records, send a written request for clarification to the requestor; or

(D) Deny the request in writing in accordance with Washington law.

6.4 Questions about public disclosure that require legal interpretation beyond those addressed in this policy should be referred to the King County Public Disclosure Officer or the Prosecuting Attorney's Office. If a public records request comes in the form of a subpoena, or involves pending or threatening litigation against the county, the Prosecuting Attorney's Office must be promptly notified.

6.5 Public records requests received from a labor union representing King County employees should be reviewed the Labor relations section of the Human Resources Division when they are received.

6.6 King County offices and departments, via websites and other publications, will publish staff contacts to whom public disclosure requests should be directed. These same staff will also serve as "points of contact" for citizens with questions about public disclosure or public record request procedures.

6.7 Citizens interested in making a public disclosure request should be encouraged to do so in writing. Nevertheless, public disclosure requests, by statute, must also be accepted electronically via e-mail and fax, or verbally, either in person or over the telephone. The substance of verbal requests should be promptly confirmed in writing to the requestor.

6.8 King County offices and departments, when providing records for public inspection, must make records available for inspection and copying during the customary office hours. The office or department and the requestor can also make mutually agreed-upon arrangements for inspection and copying.

6.9 King County offices and departments must "protect public records from damage or disorganization". RCW 42.56.100. Therefore, requestors should not be allowed to take original records out of the county office. Extremely large copying requests can be completed by an outside copying vendor, who then provides copies directly to the requestor. The responsible office or department will manage the transfer of original records between the office and the vendor.

6.10 For records exempt from disclosure, the public disclosure officer will state the statutory exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of the record is exempt from disclosure, but the remainder is not exempt, the public disclosure officer will redact the exempt portions, provide the non-exempt portions, and indicate to the requestor why portions of the record are being redacted. All such documentation as described in this section may be specified in either a transmittal letter or a withholding index.

6.11 Consistent with other demands, County offices and departments shall provide space to inspect public records.

6.12 After inspection is complete, the assigned public disclosure officer or designee shall copy the requested records or arrange for copying.

6.13 There is no fee for inspecting public records. A requestor may obtain standard black and white copies for (\$.15) cents per page. The county may also charge the actual cost of mailing.

6.14 King County offices and departments cannot deny a request for being "overbroad". However, when a request is for a large number of records, the public disclosure officer should provide access for inspection and copying in installments if that officer reasonably determines that it would be practical to provide responsive records in such fashion. If, within thirty days, the requestor fails to inspect the entire set of records in one or more installments, the public disclosure officer may stop searching for responsive records and close the request. The public disclosure officer shall promptly notify the requestor in writing when a request is closed.

6.15 If, after the county office has informed the requestor that it has provided all available records and then becomes aware of responsive material that was not initially disclosed, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

6.16 County offices may not distinguish among persons requesting records, and such persons shall not be required to provide information as to the purpose of the request; unless it must be determined whether a request for a list of names is being requested for commercial purposes, or information is needed to determine whether another statute prohibits disclosure.

6.17 King County offices are not obligated to create new records in order to respond to a public disclosure request. However, there may be circumstances in which creating a new record is the most practical course of action. Public disclosure officers needing assistance with such a scenario should promptly contact either the King County Public Disclosure Officer or the Prosecuting Attorney's Office.

6.18 King County offices may only request clarification of an unclear request or a request for which responsive records cannot be identified.

6.19 King County will publish a current list containing laws, other than those listed in RCW chapter 42.56, that King County believes exempt or prohibit disclosure of public records.

## 7.0 PROCEDURE:

Action By: Department/Agency Public Disclosure Officers

Action:

7.1 Receive request for public records.

7.2 Date stamp and log into the Public Disclosure Tracker all public disclosure requests so that the agency has a record of the date of receipt of the request, as well as what specific records are being requested.

7.3 Respond to the request in writing within five (5) business days by making the records available for inspection and copying or by taking one of the other actions detailed in section 6.3 of this policy.

7.4 In the event that the requested records contain information that may affect the rights of others and is arguably exempt from disclosure, the public disclosure officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request. Before any such notification is sent to affected parties, the office or department shall coordinate with the Prosecuting Attorney's Office.

7.5 If the agency cannot provide the requestor with access to or copies of the requested records that are subject to disclosure within the appropriate estimated timeframe, inform the requestor in writing of the additional time that it will take to produce the records. Additional time to respond is appropriate only where it is reasonable in light of the circumstances, e.g., while gathering the requested records, it is determined that they are more voluminous or less readily accessible than originally believed.

7.6 If a denial or partial denial occurs, remove the records or partial records from the disclosable materials. All denials or partial denials must be documented in writing to the requestor, either in a transmittal letter or in the form of a withholding index. The proper format for a withholding index is documented on line in the Public Disclosure Manual.

7.7 If the requestor protests the department decision, refer to either the King County Public Disclosure Officer or the Prosecuting Attorney's Office.

7.8 Inspection should occur at a time mutually agreed upon by the requestor and the agency. The county shall not limit times of inspection to times during which the requestor is unavailable. Requestors cannot dictate unusual times for inspection. The county is only obligated to offer inspection during customary office hours. Typically, the records are produced for inspection in a conference room or other office area. The inspection of records cannot create excessive interference with essential office functions. A county office may have an employee observe the inspection or copying of records by the requestor to ensure that the records are not altered or destroyed.

## 8.0 RESPONSIBILITIES:

8.1 All Executive-branch employees will follow the procedures outlined in this policy.

8.2 All Executive Departments are responsible for:

- (A) Appointing a staff member(s) who is responsible for reviewing, processing, and/or coordinating with the King County Public Disclosure Officer and/or the Prosecuting Attorney's Office to ensure quality and timely responses to public disclosure requests.
- (B) Logging all public disclosure requests into the Public Disclosure Tracker; as well as updating the log as individual response actions progress.
- (C) Establishing protocols for managing public disclosure responses in the absence of the department's appointed public disclosure officer(s).
- (D) Sending appointed public disclosure officers to public disclosure-related training sessions as they are developed and advertised by the King County Public Disclosure Officer.
- (E) Alerting the King County Public Disclosure Officer of public disclosure requests which are unusually difficult or large in scope.
- (F) Forwarding responsive records in a timely fashion to the department's appointed Public Disclosure Officer when such records are requested in order to process a public disclosure response.

8.3 The King County Public Disclosure Officer is responsible for:

- (A) Providing internal instructions to county departments on public disclosure and the procedures described in this policy.
- (B) Assisting Executive Branch agencies with unusually large or difficult public disclosure requests.
- (C) Developing training protocols for all King County public disclosure officers.
- (D) Developing guidance resources for public disclosure officers, such as the on-line Public Disclosure Manual.

8.4 Archives and Records Management is responsible for assisting departments in properly documenting their records series and indicating public disclosure status.

9.0 APPENDICES:

9.1 Sample 5-day letter acknowledging receipt of a public disclosure request and providing a reasonable estimate of when the records will be available.

Dated this 20 day of February 2007

A handwritten signature in black ink, appearing to read 'Ron Sims', written over a horizontal line.

Ron Sims  
King County Executive

Attest:

*NOT REQUIRED FOR AEP Adams 3/1/07*  
\_\_\_\_\_  
Jim Buck, Interim Director  
Records, Elections, and Licensing Services Division

## APPENDIX A

DATE

John Doe  
MAILING ADDRESS

**RE: Your public disclosure request: Individuals with Disabilities Education Act**

Dear Mr. Doe:

This letter is a follow-up to my letter of December 26, 2006, in which I specified that King County was in the process of determining whether records existed which would be responsive to your public disclosure request. In your original letter of December 18, 2006, you requested all records pertaining to:

1. proposed federal or state or local regulations implementing rules for natural environments under the federal Individuals with Disabilities Education Act; and
2. communications between the U.S. Office of Special Education and Rehabilitative Services and any state or local governments including but not limited to state agencies, related to implementing rules for natural environments under the federal Individuals with Disabilities Education Act.

King County staff have identified responsive records and are in the process of collecting them for your review. These records will be available for your inspection and/or copying on or after January 20, 2006. To review the records, simply contact INSERT APPROPRIATE STAFF NAME AND PHONE NUMBER. INSERT STAFF PERSON'S NAME can arrange for you to review the documents and will facilitate any copying that you require at the standard County rate.

Please keep in mind that the Executive's Office will only hold these records for 30 days. Therefore, if you do not contact NAME OF PUBLIC DISCLOSURE OFFICER prior to February 20, 2007, you will need to make another public disclosure request.

If you have questions or need additional information, please do not hesitate to contact me directly at SIGNATORY'S PHONE NUMBER.

Sincerely,

RESPONSIBLE STAFF PERSON,  
Public Disclosure Officer